

### **REMARKS**

This is in response to the Notification of Missing Requirements Under 35 U.S.C. 371 In the United States Designated/Elected Office (DO/EO/US) dated April 2, 2007. A copy of the notification is enclosed herewith.

Applicants respectfully submit herewith replacement copies of the Sequence Listing (COPY 1 and COPY 2) that conform to 37 CFR §§ 1.821-1.825 and the Sequence Listing in computer readable form (COPY), all on compact disc, accompanied by a Statement to Support Filing and Submission in Accordance with 37 CFR §§ 1.821-1.825. The correction requested on pages 6-8 of the Raw Sequence Listing Error Report attached with the Notification finds support in the priority document PCT/EP05/001863 to which the benefit is claimed. No new matter has been added. Entry of this Sequence Listing into the application is respectfully requested.

The Notification of Missing Requirements indicates that additional fees are due for:

- (i) 229 pages in excess of 250 pages, and
- (ii) processing fee for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).

Applicants respectfully disagree and submit that no additional fees are required with this response for the following reasons.

In the Preliminary Amendment submitted with the initial filing of this application on August 25, 2006, Applicants requested the deletion of the paper copy of the Sequence Listing from the international application and replacement with the Sequence Listing submitted on compact disc only. According to the Notification of Missing Requirements, the content of the Sequence Listing previously submitted on compact discs does not comply with the requirements of 37 CFR 1.822 and/or 1.823. Applicants was advised by phone that the deletion and replacement with the electronic copy of the Sequence Listing cannot be completed due to errors found in the substitute copy of Sequence Listing, which results in the additional 229 pages of application size in excess of 250 pages as paid at filing.

According to 37 CFR 1.52(f)(1), any sequence listing in an electronic medium in compliance with 1.52(e) and 1.821(c) and (e) should be excluded from determining the application size fee. Applicants respectfully submit that the substitute copy of the Sequence Listing as originally submitted on CD, although contained errors as noted in the Raw Sequence Listing Error Report, complies nonetheless with 1.52(e) and 1.821(c) and (e). Thus, the Sequence Listing from the international application should be deleted and replaced by the substitute copy of the Sequence Listing submitted on CD as instructed in the Preliminary Amendment dated August 25, 2006 and excluded from the determination of the application size fee.

Alternatively, with this response, Applicants respectfully request the deletion of the paper copy of the Sequence Listing from the international application and to replace it with a new substitute copy of the Sequence Listing submitted herewith on CD only. Pursuant to 37 CFR § 1.492(j) and § 1.52(f), because the Sequence Listing submitted herewith in electronic medium is believed to be in compliance with §§ 1.52(e) and 1.821(c) or (e), the sequence listing should be excluded when determining size fee. Only the size fee for 250 pages, as paid at filing, is believed correct. Therefore, no additional application size fee is believed due.

The Notification of Missing Requirements further requires a processing fee of \$130.00 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)). As evidenced by the attached copy of return postcard, the English translation of the application has been submitted with the initial filing of this application on August 25, 2006. Therefore, it is believed that no additional processing fee should be required. For the record, Applicants enclose herewith an additional copy of the English translation of the application that is identical to the copy previously submitted, in case the originally submitted translation has been lost from the file.

For the above reasons, Applicants believe that no further fees are now due. However, if the Patent Office disagrees, the director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-2775, under Order No. 13987-00020-US from which the undersigned is authorized to draw.

Reply to Notification of Missing Requirements of April 2, 2007

Respectfully submitted,

By 

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